

Message Text

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ACTION ARA-14

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FM AMEMBASSY QUITO
TO SECSTATE WASHDC IMMEDIATE 8239
INFO AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 3237

E.O. 11652: GDS
TAGS: PINT, EC
SUBJECT: SUPREME ELECTORAL TRIBUNAL UPHOLDS DISQUALIFICATION
OF POPULAR DEMOCRACY AND MPD

REF: A) QUITO 3049, B) QUITO 3238

1. BEGIN SUMMARY: THE SUPREME ELECTORAL TRIBUNAL (SET)
ANNOUNCED MAY 12 THAT IT WAS UPHOLDING ITS EARLIER DIS-
QUALIFICATION OF THE POPULAR DEMOCRACY PARTY (DP) AND THE
POPULAR DEMOCRATIC MOVEMENT (MPD). THE MOVE FOLLOWED
REASSURING COMMENTS BY HIGH LEVEL GOE OFFICIALS TO CHARGE
THAT SET WOULD BE FLEXIBLE IN ITS RECONSIDERATION, AT LEAST
IN THE CASE OF DP. BY THE DISQUALIFICATION OF THE DP (AND
THEREBY OF ITS VICE PRESIDENTIAL CANDIDATE OSVALDO HURTADO)
THE SET MAY HAVE WEAKENED THE POSSIBILITIES OF THE CFP/DP
TICKET (ROLDOS/HURTADO) AND DECREASED THE POSSIBILITY OF
STRONG INFLUENCE OF THE CFP'S ASSAD BUCARAM IN THE NEXT
GOVERNMENT. ALTHOUGH MANY POLITICIANS (PARTICULARLY THOSE
WHOSE PERSONAL INTERESTS ARE AFFECTED.) WILL CLAIM
THAT THE SET DECISION DERIVED FROM GOE EFFORTS TO
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CONTROL OR INFLUENCE THE ELECTORAL PROCESS (AND WE ARE
AWARE OF CERTAIN GOE EFFORTS ALONG THIS LINE), AT LEAST
ONE DISTINGUISHED ECUADOREAN POLITICIAN, GALO PLAZA,
FEELS THAT THE DISQUALIFICATION WAS LEGITIMATE. END SUMMARY.

2. THE SUPREME ELECTORAL TRIBUNAL (SET) ANNOUNCED THE
AFTERNOON OF MAY 12 THAT IT WAS MAINTAINING ITS EARLIER

DISQUALIFICATION OF POPULAR DEMOCRACY (DP) AND THE CHINA-LINE COMMUNIST POPULAR DEMOCRATIC MOVEMENT (MPD). THE DISQUALIFICATION REMOVES THE MPD TICKET OF QUITO'S CENTRAL UNIVERSITY RECTOR CAMILO MENA AND JAIME HURTADO AND SEEMINGLY DEPRIVES THE CONCENTRATION OF POPULAR FORCES (CFP) CANDIDATE JAIME ROLDOS OF HIS DP RUNNING MATE, OSVALDO HURTADO.

3. THE SET MAINTAINED ITS EARLIER INTERPRETATION OF THE ELECTIONS LAW, I.E. THAT ALTHOUGH LEGALLY ESTABLISHED PARTIES WERE IMPOWERED TO MERGE, NON-RECOGNIZED GROUPS WERE NOT. (THEY ARE NOT SPECIFICALLY PROHIBITED, HOWEVER). THEREFORE, SINCE THE DP IS MADE UP OF TWO NON-RECOGNIZED GROUPS, THE CHRISTIAN DEMOCRATS AND THE PROGRESSIVE CONSERVATIVES, IT CANNOT BE RECOGNIZED UNDER THE TERMS OF THE LAW.

4. THE DISQUALIFICATION OF THE DP'S HURTADO FOLLOWS CONVERSATIONS LAST WEEKEND BETWEEN DEPUTY ASSISTANT SECRETARY MCNEIL AND ADMIRAL POVEDA IN WHICH THE LATTER INDICATED THAT THE DECISION EARLIER DISQUALIFYING HURTADO WOULD PROBABLY BE REVERSED. MINDEF ARRATA HAD INDICATED TO CHARGE ON MAY 7 THAT WE COULD EXPECT THE SET TO BE FLEXIBLE IN THE CASE OF HURTADO. HOWEVER, IN TELEPHONE CONVERSATIONS WITH CHARGE ON MAY 12 ARRATA TOLD HIM THAT HE WAS WORRIED THAT THE SET WOULD NOT ACT IN THE DP'S FAVOR, AND POVEDA REVERTED TO THE LINE ORIGINALLY EXPRESSED BY SEC GEN OF ADMINISTRATION ADM VICTOR HUGO GARCES AND FONMIN
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AYALA THAT THE SET WAS INDEPENDENT OF GOE AND WAS DOING NOTHING MORE THAN ADHERING STRICTLY TO AN ELECTIONS LAW THAT HAD BEEN WRITTEN EARLIER BY CIVILIANS.

5. NATIONAL CONSTITUTIONALIST FRONT CANDIDATE SIXTO DURAN-BALLEN CALLED CHARGE ON MAY 12 TO EXPRESS HIS CONCERN THAT HURTADO AND THE POPULAR DEMOCRACY PARTY WERE ABOUT TO BE DISQUALIFIED BY THE SET. IMPLICIT IN HIS COMMENTS WAS THE CONVICTION THAT THE DECISION DERIVED FROM POLITICAL, RATHER THAN LEGAL CONSIDERATIONS, AND THAT HE HAD DETERMINED THAT IT WOULD HURT HIS OWN CANDIDACY.

6. POLCOUNS TALKED TO DP LEADER MAURICIO DAVALOS MAY 12 JUST BEFORE THE SET ANNOUNCEMENT WAS MADE. HE TOO WAS CONCERNED ABOUT THE IMMINENT DECISION, BUT SAID THAT THE CFP/DP HAD NOT YET DETERMINED WHAT ACTION THEY WOULD FOLLOW IN SUCH A CONTINGENCY. HOWEVER, HE COMMENTED THAT THE DP LEADERSHIP AS INCLINED AGAINST CHANGING THEIR PERSONAL POLITICAL AFFILIATION TO THE CFP BANNER JUST IN ORDER TO CONTINUE THEIR CAMPAIGN.

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C O N F I D E N T I A L SECTION 2 OF 2 QUITO 3237

7. OSVALDO HURTADO, UPON LEARNING OF THE DECISION REGRETTED THAT THOSE LIKE BUCARAM, PANCHO HUERTA, AND HIMSELF WHO HAD FOUGHT HARDEST FOR THE RETORNO HAD BEEN REMOVED FROM THE PRESIDENTIAL RACE. HE SINGLED OUT SET VICE PRESIDENT RAFAEL ARIZAGA FOR BLAME, NOTING THAT HE HAD BEEN MENTIONED AS MINISTER OF GOVERNMENT JARRIN'S CLOSEST POLITICAL ADVISOR IN A MAGAZINE ARTICLE A MONTH AGO.
8. GALO PLAZA, IN CONVERSATION WITH CHARGE IMMEDIATELY AFTER NEWS DID NOT THINK THAT ISSUE WAS SO CLEAR-CUT AND REASONED THAT ROAD TO DEMOCRACY SHOULD NOT BE AFFECTED UNDULY THEREBY. (SEE REF B).
9. COMMENT: ALTHOUGH THERE IS REASON TO BELIEVE THA THE MPD COULD HAVE LEGITIMATELY BEEN DISQUALIFIED FOR FAILING TO MEET THE REQUIREMENTS OF THE ELECTIONS LAW, MANY POLITICALLY ASTUTE CITIZENS WILL BE INCLINED TO CONCLUDE HERE THAT THE DP WAS DISQUALIFIED BY THE SET FOR POLITICAL REASONS ACTING UPON THE INSTRUCTIONS OF THE GOE. HOWEVER, IF THE GOE HAS INDEED MANIPULATED THE SET IN THIS MATTER FOR ITS
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OWN PURPOSES, IT HAS CONSISTENTLY MAINTAINED WITH THE EMBASSY THAT THE GOE IS MERELY STICKING TO ITS POLICY OF ENFORCING

THE LAW--A LAW WHICH POVEDA POINTS OUT WAS DRAFTED BY CIVILIANS AND ACCORDING TO HIM HAS BEEN ONLY SLIGHTLY MODIFIED BY THE MILITARY GOVERNMENT'S DECREES TO MAKE IT OPERABLE. POVEDA ARGUES MOREOVER THAT THE MILITARY COMMITMENT TO ADHERE "STRICTLY" TO THE LAW IS INTENTIONALLY MISUNDERSTOOD BY MANY POLITICIANS (BECAUSE IT SERVES THEIR PERSONAL INTERESTS) AND IS DAMAGING TO THE GOVERNMENT'S OWN REPUTATION.

10. NOTWITHSTANDING PRESIDENT POVEDA'S PROTESTATIONS, MANY BELIEVE THE SET'S DECISION AGAINST HURTADO, IF NOT SPECIFICALLY DIRECTED, DERIVED FROM THE MILITARY'S PREVIOUS "PACKING" OF THE SET. FOUR MOTIVES SUGGEST THEMSELVES THAT MAY HAVE LED THE MILITARY GOVERNMENT TO WANT HURTADO OUT OF THE RACE. FIRST, OSVALDO HURTADO, WHO HAD BEEN LOOKED ON WITH FAVOR BY THE MILITARY AT VARIOUS TIMES LAST YEAR, CREATED STRONG RESENTMENT IN JARRIN AND GENERAL DURAN BY BLOWING THE WHISTLE ON THEIR SCHEME TO PERPETUATE THEMSELVES THROUGH A CIVILIAN-MILITARY GOVERNMENT LAST NOVEMBER; BOTH ARE SAID TO HAVE A STRONG PERSONAL ANTIPATHY AS A RESULT. SECOND, HURTADO'S DISQUALIFICATION HURTS THE ROLDOS CANDIDACY, WHICH HURTS BUCARAM AGAIN, REDUCING THE POSSIBILITIES OF HIS INFLUENCE IN THE NEXT GOVERNMENT. THIRD, THE WEAKENING OF THE ROLDOS CANDIDACY IMPROVES THE CHANCES THAT RAUL CLEMENTE HUERTA - THE GOE'S APPARENT FAVORITE - OF FINISHING IN A RUNOFF SPOT FOR THE PRESIDENCY. FOURTH, THE MOVES AGAINST BOTH DP AND CFP IMPROVES THE POSITION OF THEIR IDEOLOGICAL COMPETITOR, DEMOCRATIC LEFT, WHICH RECENTLY SEEMS TO HAVE BEEN ORDAINED TO FILL THE ROLE OF THE CENTER-LEFT REPRESENTATION IN THE MILITARY'S OFF-STATED DESIRE TO REDUCE PARTIES TO A REPRESENTATIVE OF THE RIGHT, CENTER, CENTER-LEFT, AND LEFT.

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11. JUST WHERE WITHIN THE MILITARY GOVERNMENT A DECISION MIGHT HAVE BEEN MADE TO INTERVENE IN THE SET'S DECISION IS ALSO A MATTER OF SPECULATION. ONE SUGGESTION IS THAT POVEDA IS NOT FULLY IN CONTROL OF THE SITUATION AND IS UNABLE TO COUNTER SUCCESSFULLY MOVES BY GENERAL DURAN AND MINGOV JARRIN TO MANIPULATE THE PROCESS. THERE IS ALSO CIRCUMSTANTIAL EVIDENCE THAT POVEDA HIMSELF MAY HAVE DETERMINED THAT THE MILITARY'S INTEREST DEMANDED DP'S DISQUALIFICATION. WHATEVER THE CASE, THE SET DECISION FOLLOWED THE UNDERSTANDING BY HIGH LEVEL PERSONAGES OF THE GOE THAT SUCH A MOVE WOULD RENDER MORE DIFFICULT THE ABILITY TO MAKE SPECIAL EFFORTS FOR ECUADOR IN WASHINGTON.

12. FINALLY, NOTWITHSTANDING THE ABOVE DISCUSSION AND SPECULATION, THERE REMAINS THE POSSIBILITY THAT THE SET

MADE ITS DECISION INDEPENDENTLY UPON ITS OWN INTERPRETATION
OF THE LAW, OR BECAUSE OF THE PERSONAL INTERESTS OF SET
MEMBERS WITH IDEOLOGICAL AND PERSONAL AXES TO GRIND.
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